

# NEWS FROM ED MARKEY

**United States Congress**

**Massachusetts Seventh District**

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## **HOUSE REPUBLICANS SNEAK PROVISION INTO 9/11 BILL TO “OFFSHORE” TORTURE OF TERRORIST SUSPECTS IN U.S. CUSTODY**

*Markey Plans Amendment To Strike Measure from Bill*

Washington, D.C. – Representative Edward J. Markey (D-MA), a senior Democratic member of the House Homeland Security Committee, today denounced the House Republican Leadership for introducing a bill that it claims will implement the 9/11 Commission Report but that actually will legitimize the practice of “extraordinary rendition,” in which terrorist suspects are secretly deported for interrogation to foreign countries known to use torture to interrogate prisoners.

“I am shocked that less than six months after the revelations that Iraqi prisoners were being subjected to abusive and degrading treatment at the notorious Abu Ghraib prison, the House Republican leadership would mock world opinion by attempting to make it legal and easy to outsource the torture of terrorist suspects,” said Rep. Markey.

Markey added, “These proposals are inconsistent with international law and run directly contrary to the recommendation by the 9/11 Commission that the U.S. take steps to ensure that terrorist suspects were treated in accordance with established principles of international law rejecting the use of torture.”

The provision Rep. Markey referred to is contained in Section 3032 and 3033 of H.R. 10, the “9/11 Recommendations Implementation Act of 2004,” introduced by House Speaker Dennis Hastert (R-IL). The provision would require the Secretary of Homeland Security to issue new regulations to exclude from the protection of the U.N. Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, any suspected terrorist – thereby allowing them to be deported or transferred to a country that may engage in torture. The provision would put the burden of proof on the person being deported or rendered to establish “by clear and convincing evidence that he or she would be tortured,” would bar the courts from having jurisdiction to review the Secretary’s regulations, and would free the Secretary to deport or remove terrorist suspects to any country in the world at will – even countries other than the person’s home country or the country in which they were born. The provision would also apply retroactively.

This provision was not part of the 9/11 Commission's recommendations, and the Commission actually called upon the U.S. to "offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors." The Commission noted that "The United States should engage its friends to develop a common coalition approach to the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. Its minimum standards are generally accepted throughout the world as customary international law." These standards prohibit the use of torture or other cruel or degrading treatment.

Ironically, this provision of the Republican 9/11 Commission implementation bill also directly contradicts one of the recommendations made in August by the Schlesinger Commission that investigated the Abu Ghraib prison abuses. In its final report, the Schlesinger Commission recommended that the U.S. further define its policy, applicable to both the Department of Defense and other government agencies, on the categorization and status of all detainees as it applies to various operations and theaters" and that "it should define their status and treatment in a way consistent with U.S. jurisprudence and military doctrine and with U.S. interpretation of the Geneva Conventions."

Rep. Markey is the leading Congressional opponent of the practice of "extraordinary rendition" and earlier this year, he introduced H.R. 4674, a bill that would bar the U.S. from deporting, extraditing or otherwise rendering persons to foreign nations known to engage in the practice of torture. The Markey bill has 22 cosponsors and is endorsed by Amnesty International, Human Rights Watch, and other human rights and civil liberties organizations.

Rep. Markey said, "When the Republicans 9/11 bill is considered in the House, I intend to offer an amendment to strike the torture outsourcing provisions from the Republican bill and replace it with restrictions restoring international law as provided in my bill. It is absolutely disgraceful that the Republican Leadership has decided to load up the 9/11 Commission bill with legislative provisions that would legitimize torture, particularly when the Commission itself called for the U.S. to move in exactly the opposite direction."

Rep. Markey concluded, "It would be a sad commentary on the state of the Congress if, as a response to 9/11 Commission's recommendations, we passed legislation that legitimized the outsourcing of torture. Such a provision is inconsistent with international law and with our nation's fundamental moral values."